

REMARKS

The application has not been amended.

Claims 1-4 and 8-17 are currently pending in the application. Claims 5-7 were previously canceled. Reconsideration and allowance of all of the claims is respectfully requested in view of the following remarks.

In regard to Rejection of Claims 1-4 and 16 Under 35 USC § 103(a)

The Examiner has rejected claims 1-4 and 16 under 35 U.S.C. § 103(a), as being unpatentable over Laimböck '562, U.S. Patent No. 6,467,562, in view of Pestotnik, U.S. Patent No. 6,182,784 and further in view of Laimböck '023, U.S. Patent No. 6,547,023. The Applicants disagree.

The Examiner's attention is directed to the following feature of claim 1:

A family of vehicles, the family comprising:
a first land vehicle of a first vehicle type [...], the first land vehicle having a first V-type engine having a configuration, [...]
a second land vehicle of a second vehicle type [...], the second land vehicle having a second V-type engine of the same configuration as the first V-type engine, [...]
the second vehicle type being any vehicle type from the group of vehicle types other the first vehicle type [...].

As discussed in the Applicants' letter dated January 12, 2007, Laimböck '562 and Pestotnik do not teach the above feature of claim 1, alone or in combination, without admitting that Laimböck '562 and Pestotnik can be combined.

This deficiency in Laimböck '562 and Pestotnik is not remedied by Laimböck '023, without admitting that Laimböck '023 can be combined with either of Laimböck '562 and Pestotnik and reserving the right to argue thereagainst in the future.

Referring to lines 14-24 of column 1 of Laimböck '023,

[i]t is common practice in motorcycles whose engine comprises a crankshaft which is disposed transversally to the driving direction to dispose the cylinder(s) in an upright manner or in a forwardly inclined manner as seen in the driving direction. [...] there are problems which are difficult to solve in such a design, particularly when engines of higher piston capacity are provided.

Referring now to lines 55-61 of column 1 of Laimböck '023, the object of Laimböck '023

is achieved in [...] connection with the cylinder which is arranged in a rearwardly horizontal manner this allows a particularly advantageous intake arrangement in a motorcycle, and in particular, a shifting of the cylinder head close to the rear wheel.

Referring now to lines 2-6 of column 3 of Laimböck '023,

The engine concerns a two-cylinder four-stroke internal combustion engine with four valves per cylinder. The cylinders 5 of the internal combustion engine 3 are arranged rearwardly horizontally, with the cylinder axes 6 enclosing an angle α of approx. 12° to the horizontal.

Referring also to Figures 1, 3, 6 and 7 of Laimböck '023, it is apparent that an object of Laimböck '023 is to provide an engine having a compact arrangement, and this is achieved by arranging the cylinder or cylinders 5 of the engine 3 of Laimböck '023 in a rearwardly horizontal manner. This cylinder orientation is necessary to achieve the stated purpose of Laimböck '023 to "house the drive unit of a single-track motor vehicle in a particularly compact and space-efficient manner" (lines 45-47 of column 1), and this is done "in contrast to the [...] state of the art" (lines 47-48 of column 1) that "dispose[s] the cylinder(s) in an upright manner or in a forwardly inclined manner as seen in the driving direction." (lines 16-18 of column 1).

It is apparent that Laimböck '023 would be inoperable for its intended purpose if it were used with a V-type engine, in particular the V-type engine of Laimböck '562. Laimböck '023 discloses a cylinder 5 arranged at an angle of 12° . Referring now to lines 66-4 of columns 2-3 of Laimböck '562,

The axes 57, 58 of the two cylinders 7, 8 of the engine 6 are set at a V-shaped angle of 90° to each other, cylinder 7 being mounted upright in substantially vertical position, whereas cylinder 8 is oriented opposite the direction of travel, its axis 58 rising at an angle α of about 10° relative to the horizontal plane.

It is apparent that the cylinder 8 of Laimböck '562 is disposed at an angle of about 10° to the horizontal plane, an almost identical orientation to the 12° angle of the cylinder 5 of Laimböck '023. Because of the V-shaped angle of 90° between the cylinders 7 and 8 of Laimböck '562, the cylinder 7 of Laimböck '562 is mounted upright in a substantially vertical position. Thus, combining Laimböck '062 with the V-type engine of Laimböck '562 would render Laimböck '023 inoperable for its intended purpose by providing a cylinder disposed vertically contrary to the express teaching of Laimböck '023 that the cylinder(s) 5 be arranged rearwardly horizontally.

Thus, Laimböck '023, alone or in combination with Laimböck '562 or Pestotnik, which combination is not admitted, does not teach any vehicle having V-type engine or any configuration or arrangement thereof in a vehicle of any type. Therefore, by extension, Laimböck 023, alone or in combination with Laimböck '562 or Pestotnik, does not teach a family of vehicles, the family comprising a first land vehicle having a first V-type engine and a second land vehicle having a second V-type engine as claimed.

Therefore, at least one feature of claim 1 as amended is not taught by Laimböck '562, Pestotnik or Laimböck '023, alone or in combination, which combination is not admitted. As such, the Examiner is requested to withdraw his rejection of claim 1 and claims 2-4 and 16 depending therefrom.

In regard to Rejection of Claims 10-13 and 17 Under 35 USC § 103(a)

The Examiner has rejected claims 10-13 and 17 under 35 U.S.C. § 103(a), as being unpatentable over Laimböck '562 in view of Pestotnik, and further in view of Laimböck '023. The Applicants disagree.

The Examiner's attention is directed to the following feature of claim 10:

A family of vehicles, the family comprising:
a land vehicle [...]; and
a water vehicle [...]

As discussed in the Applicants' letter dated January 12, 2007, Laimböck '562 and Pestotnik do not teach the above feature of claim 10, alone or in combination, without admitting that Laimböck '562 and Pestotnik can be combined.

Bearing this in mind, the Examiner's attention is directed to the following feature of claim 10:

A family of vehicles, the family comprising:
a land vehicle [...] comprising a first V-type engine having a configuration; and
a water vehicle [...] the engine of the water vehicle being a second V-type engine of the same configuration as the first V-type engine.

Because Laimböck '562 and Pestotnik do not teach the family of vehicles as claimed, by extension they do not teach either the land vehicle or the water vehicle of the family comprising a V-type engine.

This deficiency in Laimböck '562 and Pestotnik is not remedied by Laimböck '023, without admitting that Laimböck '023 can be combined with either of Laimböck '562 and Pestotnik and reserving the right to argue thereagainst in the future.

As discussed above with respect to claims 1-4 and 16, Laimböck '023 cannot be combined with the teaching of a V-type engine in Laimböck '562 without being rendered inoperable for its intended purpose of providing a compact arrangement for the engine of Laimböck '023.

Thus, Laimböck '023, alone or in combination with Laimböck '562 or Pestotnik, which combination is not admitted, does not teach any vehicle having V-type engine or any configuration or arrangement thereof in a vehicle of any type. Therefore, by extension, Laimböck '023, alone or in combination with Laimböck '562 or Pestotnik, does not teach a family of vehicles, the family comprising a land vehicle having a first V-type engine and a water vehicle having a second V-type engine as claimed.

Therefore, at least one feature of claim 10 as amended is not taught by Laimböck '562, Pestotnik or Laimböck '023, alone or in combination, which combination is not admitted. As such, the Examiner is requested to withdraw his rejection of claim 10 and claims 11-13 and 17 depending therefrom.

In regard to Rejection of Claims 8 and 9 Under 35 USC § 103(a)

The Examiner has rejected claims 8 and 9 under 35 U.S.C. § 103(a), as being unpatentable over Laimböck '562 in view of Pestotnik, and further in view of Laimböck '023, and further in view of the Ducati Museum web page. The Applicants disagree.

The Examiner's attention is directed to the following feature of claim 1:

A family of vehicles, the family comprising:
a first land vehicle of a first vehicle type [...], the first land vehicle having a first V-type engine having a configuration, [...]
a second land vehicle of a second vehicle type [...], the second land vehicle having a second V-type engine of the same configuration as the first V-type engine, [...]
the second vehicle type being any vehicle type from the group of vehicle types other the first vehicle type [...].

As discussed above with respect to claims 1-4 and 16, the above feature of claim 1 as amended is not taught by Laimböck '562 or Pestotnik, and this deficiency is not remedied by Laimböck '023.

This deficiency in Laimböck is also not remedied by the Ducati Museum web page, without admitting that the Ducati Museum web page can be combined with either Pestotnik or Laimböck and reserving the right to argue thereagainst in the future.

The Examiner relies on the Ducati Museum web page to teach particular aspects of engine configurations that he recognizes are not taught in either Laimböck '562, Pestotnik or Laimböck '023, namely a 750 cc, 90-degree V-type engine. As such, neither Laimböck nor Pestotnik teach a vehicle having an engine with the same configuration as the engine described on the Ducati Museum web page. Therefore, the combination of Laimböck '562, Pestotnik, Laimböck '023 and the Ducati Museum web page, which combination is not admitted, does not teach a family of vehicles comprising first and second vehicles of different types having engines with the same configuration.

Therefore, at least one feature of claim 1 as amended is not taught by Laimböck '562, Pestotnik, Laimböck '023 or the Ducati Museum web page, alone or in combination, which combination is not admitted. As such, the Examiner is requested to withdraw his rejection of claims 8 and 9 depending therefrom.

In regard to Rejection of Claims 14 and 15 Under 35 USC § 103(a)

The Examiner has rejected claims 14 and 15 under 35 U.S.C. § 103(a), as being unpatentable over Laimböck in view of Pestotnik, and further in view of the Ducati Museum web page. The Applicants believe that this rejection has been addressed and overcome by the present amendment.

The Examiner's attention is directed to the following feature of claim 10 as amended:

A family of vehicles, the family comprising:
a land vehicle [...] comprising a first V-type engine having a configuration; and
a water vehicle [...] the engine of the water vehicle being a second V-type engine of the same configuration as the first V-type engine.

As discussed above with respect to claims 10-13 and 17, the above feature of claim 10 as amended is not taught by Laimböck '562 or Pestotnik, and this deficiency is not remedied by Laimböck '023.

This deficiency in Laimböck is also not remedied by the Ducati Museum web page, without admitting that the Ducati Museum web page can be combined with either Pestotnik or Laimböck and reserving the right to argue thereagainst in the future.

The Ducati Museum web page relates to motorcycles, and as such makes no mention of a water vehicle or any features thereof. Therefore, even if the Ducati Museum web page could be combined with Laimböck or Pestotnik, which is not admitted, their combination would not teach a family of vehicles comprising a water vehicle as claimed.

Therefore, at least one feature of claim 10 as amended is not taught by Laimböck, Pestotnik or the Ducati Museum web page, alone or in combination, which combination is not admitted. As such, the Examiner is requested to withdraw his rejection of claims 14 and 15 depending therefrom.

In view of the above remarks, the Applicants respectfully submit that all of the currently pending claims are allowable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in a better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

At the time of filing of the present response, the Office was authorized to charge the fees believed to be necessary to a credit card. In case of any under- or over-payment or should any additional fee be otherwise necessary, the Office is hereby authorized to credit or debit (as the case may be) Deposit Account number 502977.

Respectfully submitted,

/ Jonathan David Cutler /

Jonathan D. Cutler, Reg. No. 40,576
OSLER, HOSKIN & HARCOURT LLP
Attorneys for the Applicant

OSLER, HOSKIN & HARCOURT LLP
1000 de la Gauchetière St. West
Suite 2100
Montréal, Québec H3B 4W5
Canada

Tel. (514) 904-8100

Fax. (514) 904-8101